IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

CRP.No. 439 of 2005()

AA.110/2000 of A.A.(LR),THRISSUR
SM.502/1995 of LAND TRIBUNAL, WANDOOR

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REVN. PETITIONER: APPELLANT.

V.M.DAMODARAN BHATTATHIRIPPAD,
S/O.GOVINDAN BHATTATHIRIPPAD, AMARAVATHY,
VNIYAMBLAM AMSOM AND DESOM,NILAMBUR TALUK.

BY ADV. SRI.V.R.KESAVA KAIMAL
SRI.N.M.MADHU

RESPONDENTS:RESPONDENTS:

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1. PALAPPARAMBATH UNNIKRISHNAN NAIR,
S/O.KALLYANI AMMA, VANIYAMBALAM AMSOM DESOM,
NILAMBUR TALUK.

*2. VELLAKKATTUMANAKKAL DAMODARAN
BHTTATHIRIPPAD (DIED0, KARUNYA VAYAPPARADI,
MANJERI AMSOM AND DESOM, P.O. MANJERI.

*3. V.M.SREEDEVI ANTHARJANAM, W/O.DAMODARAN
BHATTATHIRIIPPAD, KARUNYA, VAYAPPARADI,
P.O.MANJERI.

*4. V.M.DINESAN BHATTATHIRIPPAD,
S/O.DAMODARAN BHATTATHIRIPPAD, KARUNYA,
VAYAPPARADI, P.O. MANJERI.

*5. V.M.RAJESH BHATTATHIRIPPAD,
S/O.DAMODARAN BHATTATHIRIPPAD, KARUNYA,
VAYAPPARADI, P.O.MANJERI.

*6. V.M.MINI ANTHANJANAM, D/O.DAMODARAN
BHATTATHIRIPPAD,VELLAKKATTU MANA,
P.O. PORUR, VIA VANIYAMBALAM.

7. STATE OF KERALA, REP. BY THE
CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

*R2 TO R6 DELETED FROM THE PARTY ARRAY AS PER THE ORDER DATED 2.3.06 IN C.R.P.

R7 BY GOVT. PLEADER MR.SHYSON P.MANGUZHA
R1 SRI.K.SHIBILI NAHA
R3 TO R6 SMT.C.S.RAJANI

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A.NO.1227 OF 2005 IN C.R.P.NO.439 OF 2005

DISMISSED

10.7.2007 SD/- PIUS C.KURIAKOSE, JUDGE.

PIUS C. KURIAKOSE,J.

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C.R.P.No.439 of 2005

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Dated: 10th July, 2007

JUDGMENT

Under challenge in this C.R.P. filed under Section 103 of the Kerala Land Reforms Act is the order of the Land Reforms Appellate Authority dismissing the appeal preferred by the petitioner against the order of the Land Tribunal, Wandoor in S.M.No.502 of 1995. According to the petitioner, he is the jenmi of the property and therefore a necessary party to any proceeding for assignment of jenm rights in respect of the property having an extent of 25 cents. The order in S.M.No.502/95, he alleges was passed behind his back. His name is V.M.Damodaran Bhattathiripad, S/o.Govindan Bhattathiripad. But deliberately the name of the jenmi was shown as Damodaran Bhattathiripad, S/o.Narayanan Bhattathiripad. According to the petitioner, he came to have information about the order passed by the Land Tribunal only when the basic tax tendered by him was refused to be accepted by the concerned Village Officer.

2. Heard Mr.N.M.Madhu, learned counsel for the petitioner and Mr.K.Shibili Naha, counsel for the 1st respondent, Smt.Rajani C.S., counsel for respondents 3 to 6 and Mr.Shyson P.Manguzha, learned Government Pleader.

3. Making submissions on the basis of the various grounds raised in the C.R.P., Mr.V.R.K.Kaimal assailed the orders of the Tribunal and the Appellate Authority. Mr.Kaimal submitted that by naming the wrong person as the jenmi, the first respondent was actually playing fraud on the Land Tribunal and the Appellate Authority by refusing to interfere with the order of the Land Tribunal was actually perpetuating such a fraud.

4. Counsel for the party respondents, however, would support the orders of the Land Tribunal and the Appellate Authority.

5. Having considered the rival submissions addressed at the Bar, I find force in the submissions of Mr.Kaimal. Accordingly, the C.R.P. will stand allowed. The orders of the Land Tribunal and the Appellate Authority are set aside. The Land Tribunal is directed to decide S.M.No.502/95 afresh after issuing notice to the petitioner in his address shown in the revision petition affording opportunity to the petitioner and also to the 1st respondent and also to the additional respondents (though they have not entered appearance before this court to resist the C.R.P.) to adduce whatever evidence at their command in substantiation of their claims. Fresh decision as directed

above will be taken by the Land Tribunal at its earliest and at any rate within four months of receiving copy of this order.

srd **PIUS C.KURIAKOSE, JUDGE**